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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/888,599  | 06/26/2001  | Tatsuya Tsuyuki      | 210291US3                    | 8671             |
| 22850   | 7590        | 06/15/2005           |                              |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | EXAMINER<br>GIBBS, HEATHER D |                  |
|   |             |                      | ART UNIT<br>2622             | PAPER NUMBER     |

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/888,599 | <b>Applicant(s)</b><br>TSUYUKI, TATSUYA |  |
|                              | <b>Examiner</b><br>Heather D. Gibbs  | <b>Art Unit</b><br>2622                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 12/22/04 has been entered and made of record. Claims 1-15 are now pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1,6-7 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues "Takano does not teach... or a space configured to receive a tool inserted therein, formed between an intermediated holding member and an image focusing lens holding member to separate the intermediate holding member and the image focusing lens holding member." Though the examiner respectfully disagrees, Andoh et al (US 6,472,247) has been incorporated to disclose the above limitation in more precise detail.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2,6-10,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano (US 4,581,657) in view of Andoh et al (US 6,472, 247).

Regarding claim 1, which is representative of claims 6-8, Takano discloses a fixing structure comprising: an image focusing lens 9 holding member comprising a surface; an intermediate focusing lens member 6 configured to hold a solid state image forming device 10 onto the image focusing lens holding member, the intermediate holding member comprising a surface facing the surface of the image focusing lens holding member; and at least one projection portion formed on one of the surfaces of the image focusing lens holding member and the intermediate holding member, the at least one projection portion comprising a surface contacting through an adhesive material the other one of the surfaces of the intermediate holding member and the image focusing lens holding member (Col1 Lines 11-18; Figs 2-3; Col 3 Lines 10-19), wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediate holding member and said image focusing lens holding member (Col 3 Lines 67-68; Col 4 Lines 1-6; Fig 2).

Takano does not disclose expressly, according to applicant, wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediated holding member and said image focusing lens holding member.

Andoh discloses wherein a space configured to receive a tool inserted therein, is formed between the intermediate holding member and the image focusing lens holding member to separated said intermediate holding member and said image focusing lens holding member (Fig 4).

Takano & Andoh are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Andoh with Takano.

The suggestion/motivation for doing so would have been to separate the intermediate holding member and the image-focusing lens holding member, as taught by applicant.

Therefore, it would have been obvious to combine Andoh with Takano to obtain the invention as specified in claim 1.

Considering claim 2, Takano discloses wherein the image focusing lens holding member comprises an image focusing lens holding board portion configured to hold the image focusing lens, and a standing board portion standing from the image focusing lens holding board portion and configured to hold the solid state image forming device through said intermediated holding member, and the standing board portion comprising a light beam passing window configured to pass a light beam from said image focusing lens (Fig 2).

Regarding claim 9, Takano discloses an adhesive disposed between the projection and the surface of the other one of the intermediated holding member and the lens holding member (Col 3 Line 67- Col 4 Line 10).

For claim 10, Takano teaches wherein the at least one projection comprises a plurality of projections (Col 1 Lines 11-18).

For claim 12, Takano teaches a solid state-imaging device disposed in the intermediate holding member (Col 1 Lines 11-18).

For claim 13, Takano discloses a focusing lens disposed in the lens holding member (Fig 2).

For claim 14, Takano discloses a solid state-imaging device disposed in the intermediate holding member (Fig 2).

For claim 15, Takano teaches an adhesive disposed between the projection and the surface of the other one of the intermediated holding member and the lens holding member (Col 3 Line 67- Col 4 Line 10).

5. Claims 3-5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano '657 and Andoh '247 in view of Miyahara et al (US 6,439,299).

Regarding claim 3, which is representative of claim 11, Takano and Andoh disclose the fixing structure as discussed above.

Takano and Andoh do not disclose expressly wherein at least three of said projecting portions are arranged at positions apart predetermined distances inside four corners of the surface of said image focusing lens holding member.

Miyahara discloses wherein at least three of said projecting portions are arranged at positions apart predetermined distances inside four corners of the surface of said image focusing lens holding member (Col 7 Lines 4-19).

Takano, Andoh & Miyahara are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Miyahara with Takano and Andoh.

The suggestion/motivation for doing so would have been to hold plate-like members at predetermined intervals.

Therefore, it would have been obvious to combine Miyahara with Takano and Andoh to obtain the invention as specified in claim 3.

For claims 4-5, Takano discloses wherein the space is configured to receive the tool such that the tool contacts the surface of the projecting portion from a vertical and a horizontal direction (Col 3 Lines 4-34).

### ***Drawings***

6. Figures 9-11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

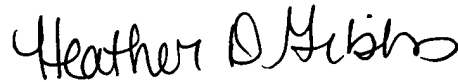
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



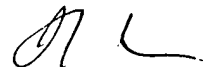
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs  
Examiner  
Art Unit 2622

hdg



EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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